



2026:AHC:33584

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2258 of 2026

Ramjanam Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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|---------------------------|--------------------------------------------------|
| Counsel for Petitioner(s) | : Achche Lal Singh Yadav, Awadhesh Kumar Malviya |
| Counsel for Respondent(s) | : C.S.C.                                         |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri A.K. Malviya, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the State.

2. Sri Manish Kumar, learned Standing Counsel has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that he was appointed as untrained Lekhpal in different period between 1976 to 1983. However, the services of the writ petitioner stood dispensed with on 08.09.2011, which was subject matter of challenge in Writ-A No.55778 of 2011, Ram Janam Yadav vs. State of U.P. and others, in which on 23.09.2011, the following order was passed:-

*"The petitioner has been selected in the examination of the Lekhpal held in the year 1989 and has been sent for training. After the completion of the training, when the result was not declared, the petitioner approached this Court by way of Writ Petition No. 19555 of 1992. This Court vide an order dated 22nd March, 2005 has directed the respondents to declare the result. According to learned counsel for the petitioner, the said order has been confirmed in the Special Appeal also. Even then, when the result was not declared, the petitioner filed contempt petition being Contempt Application*

*(Civil) No. 2269 of 2005. Against the contempt proceedings, the respondents filed Civil Appeal before the Supreme Court being Civil Appeal No. 4623 of 2008, which has been dismissed by the order dated 2nd June, 2010. In the contempt proceeding, the Court has directed the respondent either to comply with the order passed in the writ petition or appear in person. In pursuance thereof, the result has been declared on 15th September, 2010 in which the petitioner was declared successful. In pursuance thereof, the petitioner has been issued the appointment letter dated 21st September, 2010, Annexure-9 to the writ petition. When the petitioner has not been paid salary, the petitioner again approached this Court by filing the writ petition No. 5506 of 2011, wherein the direction has been issued for payment of the salary to the petitioner. Now, by the impugned order dated 8.9.2011, the services of the petitioner have been dispensed with on the ground that on enquiry, it was found that the petitioner has never worked at Tehsil Farenda, District Maharajganj.*

*Learned counsel for the petitioner submitted that the impugned order is patently illegal inasmuch as the order has been passed without giving any opportunity to the petitioner. The alleged enquiry has also been challenged.*

*Prima facie there appears to be substance in the argument of learned counsel for the petitioner. The matter requires consideration.*

*Learned Standing Counsel prays for and is allowed four weeks' time to file the counter affidavit to which rejoinder affidavit may be filed within two weeks thereafter. Learned Standing Counsel is also directed to produce the enquiry report and also produce the record of Tehsil Farenda, District Maharajganj where the petitioner was posted after declaration of the result.*

*List thereafter.*

*Till the next date of listing, the operation of the order dated 8.9.2011 shall remain stayed."*

5. According to the writ petitioner, in light of the order passed in Writ-A No.59038 of 2011, *Dara Singh Chauhan vs. State of U.P.* decided on 18.10.2022, against which an intra-court appeal was preferred, which was rejected and the special leave petition also came to be rejected, the writ petition preferred by the writ petitioner came to be allowed on 09.01.2024 (order whereof is annexed at page-55 of the paper book). According to the learned counsel for the writ petitioner, the writ petitioner superannuated on 31.08.2024, however, the writ petitioner has not been paid the pension from the initial appointment.

6. Prayer in the present writ petition is for a direction to the respondents to accord pension to the writ petitioner while taking into account the initial services rendered by the writ petitioner from 23.12.1990.

7. Learned Standing Counsel on the other hand submits that there happens to be recommendation which is at page-71 of the paper-book, according to him the claim of the writ petitioner needs adjudication at the first instance by third Respondent, District Magistrate, Gorakhpur.

8. I have heard the submissions so made across the Bar and perused the record.

9. Parties are in agreement that questioning the order dispensing with the services of the writ petitioner dated 08.09.2011, Writ-A No.55778 of 2011 came to be preferred by the writ petitioner, wherein an interim order was passed and the writ petition finally stood decided on 09.01.2024 setting aside the order dated 08.09.2011. The writ petition so preferred by the writ petitioner came to be decided in terms of the judgment and order dated 18.10.2012 passed in Writ-A No.59038 of 2011, *Dara Singh Chauhan vs. State of U.P.* in which similar orders dispensing with the services were set aside and reinstatement was directed with all consequential benefits and following the said orders, the order came to be passed in the case of the writ petitioner. Since the reinstatement was directed with full salary, thus the writ petitioner in the opinion of the Court is entitled to the pension from the date of his induction, i.e. 23.12.1990. Bearing in mind the fact that there happens to be a recommendation letter dated 10.10.2024, issued under the signature of the District Magistrate, Gorakhpur addressed to the Commissioner & Secretary, Board of Revenue, U.P, Lucknow, thus the writ petition is being decided in the following terms:-

(a) The writ petitioner shall prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.3, District Magistrate, Gorakhpur.

(b) The District Magistrate, Gorakhpur, on the said motion shall take appropriate steps and in collaboration with the Chairman/ Secretary of the Board of Revenue, U.P., Lucknow proceed to decide the claim of the writ petitioner strictly in accordance with law within a period of two months,

from the date of production of certified copy of the order.

**February 16, 2026**  
N.S.Rathour

**(Vikas Budhwar,J.)**